IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23370 of 2002

Between:

B. Lakshmi Reddy s/o late Seetharamireddy
aged about 65 years, Record Assistant,

(Retd.) R.C.M. High School, Chennareddypalli,

Pittigunta Post, Kasinayana Mandal,
Cuddapah District

..... PETITIONER

AND

1 The Principal Secretary, the Government of Andhra Pradesh
School Education, secretariat, Hyderabad.
2 The Commissioner and Director of School Education,
A.P., Hyderabad.
3 The Regional Joint Director of School Education, Cuddapah,

Cuddapah District
4 The District Educational Officer, Cuddapah,
Cuddapah District
5 The Correspondent, RCM High School, Chennareddypalli,

Pittigunta Post, Kasinyana Mandal, Cuddapah District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to pay pension and terminal benefits by declaring the inaction as illegal, arbitrary and violative of rights guaranteed under Article 21 of the Constitution of India.

Counsel for the Petitioner:MR.V.MALLIK

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court made the following :

O R D E R:

This Writ Petition is filed to direct the respondents to pay the pension and terminal benefits.

The main question involved is with regard to payment of pension by treating the services of the petitioner for the period in which he has worked in the post in un-aided period as well as aided period.

The learned Government Pleader appearing for the respondents field a counter and placed a copy of the Order of the Government in G.O.Ms.No.242, Finance and Planning Department, dated 03-11-1998, according to which, the service rendered by an employee for un-aided period in a teaching or non-teaching post in the aided Educational Institution shall not qualify for pension. Therefore, the respondents refused to pay the pension for the service rendered by the petitioner for the un-aided period cannot be taken into account for payment of pension.

The Writ Petition is accordingly dismissed, with a liberty to question the relevant G.O. and the Rules. No order as to costs.

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10-08-2004

prv

.....ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary, Government of Andhra Pradesh,
School Education, secretariat, Hyderabad.

2 The Commissioner and Director of School Education,
A.P., Hyderabad.
3 The Regional Joint Director of School Education, Cuddapah,

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6 2CCs to G.P. for School Education.

7 2CD copies